

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed December 1, 2004. Reconsideration and allowance of the application and presently pending claims 1-24, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-24 remain pending in the present application. More specifically, claims 1-2, 4-7, 11 and 13-17 are directly amended and claims 22-24 are added. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Response to Rejection of Claims 1-6, 8-15 and 17-21 Under 35 U.S.C. §102(e)

In the Office Action, claims 1-6, 8-15 and 17-21 stand rejected under 35 U.S.C. §102(e) as allegedly being unpatentable by *Heyden* (U.S. Publication 2002/0039135), hereinafter *Heyden*. For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Independent Claims 1, 2, 11 and 17

Applicants respectfully submit that independent claims 1, 2, 11 and 17, as amended, are allowable for at least the reason that *Heyden* does not disclose, teach, or suggest the features of “a memory configured to temporarily store the image” and “such that when the processor determines that the exposure value change is at least equal to the exposure value change criteria, the image is saved into the memory” as recited in claim 1. Similarly, *Heyden* does not disclose, teach, or suggest the features of “temporarily capturing an image” and “saving the image only when the exposure value change is at least equal to the exposure value change criteria” as recited in claim 2 and 11, or the features of “temporarily saving an image” and “saving the image when the exposure value change is at least equal to the exposure value change criteria” as recited in claim 17. Accordingly, the rejection to these claims should be withdrawn.

b. Claims 3-6, 8-10, 12-15 and 18-21

Because independent claim 2 is allowable over the cited art of record, dependent claims 3-6 and 8-10 (which depend from independent claim 2) are allowable as a matter of law for at least the reason that the dependent claims 3-6 and 8-10 contain all features/elements of independent claim 2. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Similarly, because independent claim 11 is allowable over the cited art of record, dependent claims 12-15 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that the dependent claims 12-15 contain all features/elements of independent claim 11. Also, because independent claim 17 is allowable over the cited art of record, dependent claims 18-21 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that the dependent claims 18-21 contain all features/elements of independent claim 17. Accordingly, the rejection to these claims should be withdrawn.

3. Response to Rejection of Claims 7 and 16 Under 35 U.S.C. §103

In the Office Action, claims 7 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Heyden*, in view of *Plummer* (U.S. Patent 4,689,696).

Because independent claim 2 is allowable over the cited art of record, dependent claim 7 (which depends from independent claim 2) is allowable as a matter of law for at least the reason that the dependent claim 7 contains all features/elements of independent claim 2. Also, because independent claim 11 is allowable over the cited art of record, dependent claim 16 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that the dependent claim 16 contains all features/elements of independent claim 11. Thus, the rejection to these claims should be withdrawn.

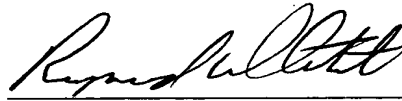
4. Newly Added Claims 22-24

New claims 22-24 are based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicants submit that no new matter has been added in the new claims 22-24, and that new claims 22-24 are allowable over the cited prior art. Therefore, Applicants request the Examiner to enter and allow the above new claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-24 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Raymond W. Armentrout', is written over a horizontal line.

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